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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/849,162 | 05/04/2001 | David E. Zeidler | 80113-0122 (D2382) | 9802 |

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

TRAN, TRANG U

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 05/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/849,162

Applicant(s)

ZEIDLER ET AL. 

Examiner

Trang U. Tran

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 6-9, 32, 33, 39 and 40.Claim(s) rejected: 1-5, 20-23, 26-31, 34-38 and 41.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 13, 2004 have been fully considered but they are not persuasive.

In re pages 16-18, applicants argue that, with respect to claims 1 and 20, that Honma does not teach or suggest the claimed frequency range boulder that outputs a bounded control signal because Honma actually teaches that the maximum value of the range will be used as the control information regardless of what the incoming control information is.

In response, the examiner respectfully disagrees. It is noted that claim 1 recites "a frequency range boulder in the phase locked loop that receives **the control signal** and outputs **a bounded control signal** that bounds the frequency of **the oscillator** to a selected range" and claim 20 recites "limiting the oscillator frequency to a selected range using a frequency range boulder in the phase locked loop, wherein the frequency range boulder receives **a control signal and limits the oscillator frequency based on the control signal**". Honma discloses in col. 12, lines 46-57 that

"In case that the maximum value of the variable range is larger than the control information, the maximum value of the variable range obtained in step S5 is determined as a control information.

In case that the maximum value within the variable range is equal to or smaller than the control information, the maximum value within the variable range is determined as a control information. Then, in step S6, the frequency is controlled using the control information determined in step S11. In this way, it is possible to limit the frequency variation within the specified range after once the clock reproduction is carried out once."

From the above passages, it is clear that the phase locked loop of Honma limits the oscillator frequency (the maximum value of the variable range) based on the control signal (the control information). It is further noted that the maximum value of the variable range of Honma anticipates the claimed **"a bounded control signal"**.

In re pages 18-19, applicants argue that the Office Action alleges that Honma teaches the claimed output multiplexer and threshold register(s) of claim 2; however, no such components are described in Honma.

In response, the examiner respectfully disagrees. As discussed above, Honma discloses in col. 12, lines 46-57 that

"In case that the maximum value of the variable range is larger than the control information, the maximum value of the variable range obtained in step S5 is determined as a control information.

In case that the maximum value within the variable range is equal to or smaller than the control information, the maximum value within the variable range is determined as a control information. Then, in step S6, the frequency is controlled using the control information determined in step S11. In this way, it is possible to limit the frequency variation within the specified range after once the clock reproduction is carried out once."

The claimed multiplexer is anticipated by the selection of the maximum value and the control signal of Honma and the claimed threshold register is anticipated by the registration of the maximum value as a control information of Honma. Thus, Honma does indeed disclose the claimed multiplexer and threshold register.

In re pages 19-20, applicants argue that Honma does not teach outputting a lower value if the control signal is below a low limit as recited in claims 23, 26, 34, and 41 because the only output of Honma is the maximum value.

In response, the examiner respectfully disagrees. As discussed above, the maximum value of the variable range is outputted when the maximum value of the variable range is larger than the control information or is equal to or smaller than the control information. It is noted that claims 23, 26, 34, and 41 do not specifically recite that **the low limit signal** and **the high limit signal** are two **different signals**. The low limit signal and the high limit signal can be same signal such as in Honma. Thus, Honma does disclose the claimed low limit signal and high limit signal (the maximum value) of claims 23, 26, 34, and 41.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TT TT
May 7, 2004


MICHAEL H. LEE
PRIMARY EXAMINER